

**CITY OF TAKOMA PARK, MARYLAND
PRESENTATION, REGULAR MEETING AND WORKSESSION
OF THE CITY COUNCIL**

**Monday, June 13, 2005
(Adopted September 12, 2005)**

Closed Session 6/6/05 - Motion by Seamens; second by Williams. On June 6, 2005, the Council convened at 6:41 p.m. in the Municipal Building Council Chambers to vote to convene in Closed Session in the Municipal Building, Police Conference Room, to receive a briefing on negotiations with Local 400 of the United Food and Commercial Workers International Union. (VOTING FOR: Porter, Elrich, Seamens, Williams; ABSENT: Austin-Lane, Barry, Mizeur). OFFICIALS PRESENT: Porter, Austin-Lane, Elrich, Mizeur, Seamens, Williams; STAFF/OTHERS PRESENT: Matthews, Hobbs, Carpenter. The Council agreed with the Deputy City Manager's direction on negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

OFFICIALS PRESENT:

Mayor Porter	City Manager Matthews
Councilmember Austin-Lane	City Clerk Carpenter
Councilmember Barry	Deputy City Manager Hobbs
Councilmember Elrich	Community and Government Liaison Ludlow
Councilmember Mizeur	HCD Director Daines
Councilmember Seamens	Comm. Ctr. Construction Manager George
Councilmember Williams	Deputy Recreation Director Matt Corley

The City Council convened at 7:30 p.m. in the Municipal Building Council Chambers, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Ms. Austin-Lane commented on the tour Council had taken of the Community Center on Thursday. Council was accompanied by Alice Sims of the Arts and Humanities Commission, who had asked to attend to look at potential exhibit space in the building.

Ms. Austin-Lane noted the Film Festival Committee is intent on having the festival in November of this year, to be included in the festivities for the opening of the Community Center. The \$2000 included in the budget for the Film Festival Director can be used immediately after the festival to hire the director for next year.

Mr. Seamens expressed appreciation to Housing Staff who worked with the problems caused by the non-working fire alarm in the apartment building in Ward 4. He also thanked the County Fire Department officials who monitored the building while the alarm was being fixed.

Mr. Barry commented on the process for applying for peddler's license in light of the concerns raised about the cell phone sales taking place from a vehicle in his ward. He asked the City Manager to look into whether it would be appropriate to have the Council hold a public hearing on the issue when an application is filed. He also requested a review the fees.

Ms. Mizeur read a statement, announcing her resignation effective July 19 (attached). She commented that she is committed to continuing to stay involved and assisting during the transition.

Ms. Porter said she would schedule a Council discussion for next week on how to proceed with filling the vacancy.

ADOPTION OF MINUTES - May 9, 2005

Minutes of May 9, 2005 were adopted upon motion by Mr. Williams; second by Ms. Austin-Lane. (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

PUBLIC COMMENTS

Lawrence Silberman commented about his request for a waiver to remove a tree. He said he will file an appeal on the ruling of the Tree Commission and is considering suing the City for damages for the delay. Mr. Silberman provided photos of the tree for the record (attached)

Ms. Matthews discouraged further discussion by Council given that Mr. Silberman has filed his intention to sue the City. She said she can ask the City Attorney to issue a confidential memo to the Council.

Janet Williams, Ward 4 resident, commented on loitering in the Ward 4 Maple Avenue corridor. She spoke of the need for a gym in the community and asked to be contacted when it is discussed. She raised the issue of communication with the many people who do not speak English.

Ms. Matthews said her name can be added to the e-mail agenda list so she can be informed about future Council discussions of the gym.

Mr. Seamens thanked Ms. Williams for coming to the meeting. He agreed that building a gym was the original intent of the Community Center project. He also spoke of the need for enforcement of the drug laws.

Ms. Porter said she will continue to try to raise the money for the gym.

Mr. Elrich encouraged Ms. Williams to organize people to support a gym.

Seth Grimes, Willow Avenue, questioned Ms. Porter about her efforts to raise funds for the gym.

John Hagadorn, commented about safety on Maple Avenue from Philadelphia Avenue to Sligo Creek. The loitering already mentioned, and other things, causes concern around the Sherman/Maple corner.

Ahmed Martinez, Maple Avenue, made a statement in Spanish (statement attached).

Ms. Porter said that Councilmember Elrich had given her a translation of the substance of Mr. Martinez' remarks and she thanked Mr. Martinez for expressing his concerns.

Sabrina Baron, President of Historic Takoma, Inc., commented on the logo design and the Gateway Wayfinding program. She said she is concerned that the citizens working group seems to have been abandoned at this point. She encouraged staff to seek more involvement from groups on the logo design. Ms. Baron also thanked Heather Mizeur for her service on the City Council.

PRESENTATION

1. Update on the Community Center Construction Project

Ms. Matthews deferred her update until the discussion of the project later in the evening.

REGULAR MEETING

2. 2nd Reading Ordinance re: FY06 Tax Rate

Motion by Barry; second by Austin-Lane.

Mr. Seamens commented that, given that we will be discussing bids later, I wonder if those bids will fit within the money that we have. Will there be a potential that we will exceed the available funds?

Ms. Matthews responded that it will depend on the resolution of the remaining PCOs. They total approximately \$500,000. In talking with Charron Construction Consulting, it is clear that the resolution of the majority of the items will not take place until after the start of the new fiscal year.

Mr. Barry noted that Council could delay issuance of a contract until we have more information about the change orders. We can deal with the issuance of the contract at that time.

Mr. Porter commented that we need to establish a budget prior to the end of the fiscal year. Only this and one more meeting remain before then. At this time, we will have preliminary information on the Community Center. I agree with the issues expressed that we go ahead and deal with this, and deal with the bids when we have the information we need.

Ms. Ausin-Lane commented that she is very pleased that we are able to lower the tax rate this year. It is appropriate given where assessments are going.

Ordinance 2005-13 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

Ordinance 2005-13
(Attached)

3. 2nd Reading Ordinance re: FY06 Storm Water Budget

Upon motion by Mr. Williams; second by Ms. Mizeur, the City Council convened as the Stormwater Board. (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

Mr. Barry moved to adopt the FY06 Storm Water Budget. Second by Mr. Williams.

Seth Grimes, Willow Avenue, asked if the Stormwater Board has given public notice that it will convene. He requested that Jack Schwartz be contacted to request clarification.

Ms. Porter responded that this is the way that we have done it in the past. We will be happy to look at this.

Ordinance 2005-14 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

Ordinance 2005-14
(Attached)

4. 2nd Reading Ordinance re: FY06 Budget (Including the FY06-FY10 CIP)

Motion by Barry; second by Austin-Lane.

Austin-Lane commented that Ward 1 residents are very supportive of the CSAFE proposal for the Old Town / Metro area. I would appreciate getting this underway as soon as possible.

Mr. Williams said he is working to set up a meeting in July with folks at COG to work on looking for a partner for the program.

Mr. Barry said he wanted to reiterate his concern that interest is waning at the state level. I think we need to redouble our efforts to make sure that we maintain funding for this and other program.

Seth Grimes, Willow Avenue, member of OTBA and OTRA, expressed his support for the

CSAFE He said he appreciates that council will fund the program if a funding partner comes along. Mr. Grimes asked that the City Council take a leadership role in by allocating money in the budget now for the program.

Sabrina Baron expressed support for the CSAFE proposal. It is important to preserve not only our physical surroundings but also quality of life. She offered the help of HTI.

Ordinance 2005-15 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**Ordinance 2005-15
(Attached)**

5. 2nd Reading Ordinance re: FY06 AFSCME Pay Plan

Motion by Austin-Lane; second by Mizeur.

Ordinance 2006-16 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**Ordinance 2005-16
(Attached)**

6. 2nd Reading Ordinance re: FY06 Management and Non-Union Staff Pay Plan

Motion by Seamens; second by Williams.

Ordinance 2005-17 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**Ordinance 2005-17
(Attached)**

7. 1st Reading Ordinance re: FY05 Budget Amendment No. 2

Motion by Williams; second by Barry.

Ms. Matthews noted that the budget amendment had been discussed on May 9. It dealt mainly with the special revenue funds. Since the worksession, staff has identified other items to be included: a transfer of reallocated street improvement funds of \$125,000 to the Community Center Fund, and an appropriation from the Equipment Replacement Reserve to formalize the Council's action on the trash truck purchase.

Seth Grimes commented that he would have hoped to see a reallocation of funds concerning the

legal services budget.

Ms. Matthews noted that the actual procurement ordinance talks about the City Manager's authority to extend a contract by 25%. In addition, the ordinance contemplates a scope of service that has a specific cost. Our procurement ordinance does not contemplate a contract like our legal services contract.

Mr. Grimes commented on the \$125,000 transfer of funds to the Community Center and the \$350,000 recently received from the State for the project. He suggested there is a lack of clarity in the Council's allocation of funds.

Ordinance 2005-18 was accepted at first reading (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**Ordinance 2005-18
(Attached)**

8. Resolution re: Arts and Humanities Commission Cultural Plan

Randy Cohen, Bodil Meleney, Emily Shillingburg, and Alice Sims were present. Mr. Cohen summarized the purpose of the plan.

Motion by Seamens; second by Elrich.

Ahmed Martinez, Maple Avenue, commented that the plan doesn't seem to contain an accurate description of culture. He requested to hear from the Committee what is their perspective on culture.

Ms. Shillingberg said that the plan is focusing on the arts and humanities as disciplines that are defined. We spent a lot of time talking about diversity. It is a wonderful asset of this community. We didn't want to try to hammer down different cultural groups. We are encouraging the development of the arts and humanities.

Randy Cohen said the intention is to be broad and inclusive

Mary Drake, Maple Avenue, said she is interested in culture and what residents think about the culture in the city and diversity in the city. I am interested in what are the different perspectives on this from people from all over the city.

Ms. Shillingburg said that community groups and individuals who responded focused on activities, access to the arts and activities. To participate was a general interest, not just be in the audience. There is a lot of interest in the cultural diversity, learning and sharing about and with other groups, and ways to integrate different cultural events.

Ms. Drake proposed creating a documentary about how residents feel about culture and diversity in Takoma Park.

Ms. Shillingburg said that sounds like a fabulous idea. It would be a fascinating exercise and would open up a great dialogue.

Mr. Cohen referred to page 9 of the report, which includes specifics about the community surveys.

Ms. Meleney noted that individuals are welcome to come to the meetings to see how the Commission works.

Resolution 2005-42 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**Resolution 2005-42
(Attached)**

9. Resolution re: Arts and Humanities Commission Public Art Policy

Motion by Seamens; second by Elrich.

Ahmed Martinez, noted the implications of a public art policy and the cultural plan. He asked if this is a free for all attempt to bring culture. Is there a political agenda? How independent is the process?

Ms. Melany responded that the policy is a way to funnel proposals through the system. It involves public scrutiny and involvement from public, so that art that is chosen has had much involvement with the community. This was not invented for Takoma Park; it is used in many communities.

Mr. Martinez asked if the City will assume liability.

Mr. Cohen noted that this is addressed in the plan.

Resolution 2005-43 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

10. Resolution re: Montgomery College Neighbors Advisory Committee

Ms. Austin-Lane noted the list of residents who have expressed interest in participating on the committee.

Motion by Austin-Lane; second by Elrich

Resolution 2005-44 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Seamens, Williams; ABSENT: Elrich, Mizeur).

**Resolution 2005-44
(Attached)**

11. Consent Agenda

Ms. Porter noted a request to remove the appointment to the Emergency Preparedness Committee (item C) from the agenda.

A. Resolution re: Appointment to the Facade Advisory Board

B. Resolution re: Appointments to the Noise Control Board

D. Resolution re: Transmittal of 2006 Legislative Action Requests to the Maryland Municipal League.

Motion by Austin-Lane; second by Elrich. The Consent Agenda was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens; ABSENT: Williams, Mizeur).

Resolution 2005-45 - Appointment to the Facade Advisory Board

Resolution 2005-46 - Appointments to the Noise Control Board

Resolution 2005-47 - Authorizing Transmittal of 2006 Legislative Action Requests to the Maryland Municipal League

**Resolutions 2005-45, 2005-46, 2005-47
(Attached)**

WORKSESSION

12. Discussion of Proposed Amendment to the City Charter to Permit Greater Flexibility in Scheduling the City's Nominating Caucus

Ms. Porter explained that then the Nominating Caucus fell on Rosh Hashanah previously, it can make for an awkward caucus. We don't want to preclude participation from those who do not feel they can attend for religious reasons.

Mr. Williams commented that the last time this happened, it seemed to work. I am not sure we should spend the money. Put it on a list for future amendment of the City Charter.

Mr. Seamens said his inclination is to support Ms. Porter in making a statement of inclusiveness.

Mr. Barry said that Rosh Hashanah is an important holiday. The City should not encourage

activities on that day.

Mr. Elrich said he could go either way.

Ms. Austin-Lane said she would like to move forward with the amendment.

Mr. Seamens thanked Mr. Williams for pointing out the fiscal impact

There was Council direction to move forward on preparing the amendment.

BREAK

The Council recessed for a scheduled break at 9:02 p.m. and reconvened at 9:15.

13. Bids for Community Plaza Level of the Community Center

Doug Norway and Larry Abell, of Larry Abell and Associates, were present for the discussion.

Ms. Matthews explained that an earlier RFP had been issued and the City originally took bids for the Community Plaza Level in early Sept 2004. At that time, because of timing issues primarily, the City declined all bids and decided to rebid. She referred to the bid tabulation sheet. Three bids have been received. Five alternates were included with the RFP: use of low VOC paint; the possible addition of a commercial warming kitchen; the addition of a door security system with cameras; window protection for the public safety level; and a voice fire alarm system, which may be required by Montgomery County.

Mr. Norway described the three bids received from the three general contractors: Molina Construction, Hubert Construction, and TRG Construction. He noted that Hubert Construction does not accept the liquidated damages unless there is a financial award for early completion.

Mr. Norway described the bid alternates. The door security system includes all levels (except old Police Department area), and four additional cameras. The window protection for the Public Safety Level would provide some ballistic protection and shatter protection. The voice fire alarm will most likely be required because we are renovating the Community Plaza Level. It will be in the atrium area. Standard bells and strobes are included in the base bid.

Mr. Williams asked if the voice fire alarm is included in the new construction other than the atrium? Mr. Norway responded that he will have to check.

Mr. Abell noted that the County had said if we were not doing construction in the existing area, they said they would not require the voice alarm. Now that we are doing the work, they said they would run tests. If they feel the signals are loud enough, they may not require the addition of a voice alarm.

Mr. Williams asked what is involved in the commercial warming kitchen.

Mr. Norway responded that it includes an oven with four burners and a grill, a three compartment sink, a hand sink, a work area, and two large cooling units.

Council questioned Mr. Norway on the need for all the items in the warming kitchen.

Mr. Williams questioned Mr. Norway and Mr. Abell about the conditions noted concerning the Hubert bid.

Mr. Abell indicated that he can't recall the last time he's seen this in a proposal. The City will have to decide on the merits and may wish to consult with an attorney if they wish to consider this bid. When you award to a bidder that has made changes, the other contractors will question it. They bid on the document before them. You have the problem of explaining to the contractors and the public why you accepted a nonconforming bid.

Mr. Seamens said he continues to be puzzled by our planning process. We talked about things to include and things we didn't want to include. The warming kitchen was included in the alternates, although we decided not to. Why are we cutting corners on the fire alarm and why wasn't the security system on our list of things to add in?

Ms. Porter said she, too, wondered why some of those things showed up.

Mr. Abell said the security system was going to be handled later under other funding. With the security system in or not, this is to give you alternatives. We recommended the voice alarm be added because the County might require it. Every time you make a submission to the County, they review it for adherence to code requirements. The final decision on all fire related things rests with the fire marshal and code officials. We tried to find the most reasonable and economical solution and we are concerned about safety issues. These plans have been changed from the original plans. They are being reviewed by Montgomery County now.

Ms. Austin-Lane noted she was aware that we were asking for the warming kitchen. The City Manager briefed us on this a number of times. I'm glad to see the VOC paint; it is a minimal cost.

Mr. Elrich commented that the price of the security system seems outrageous, in this day when internet cameras are being used to monitor spaces. Can't we rationalize which doors we need this on? Appropriately placed cameras should allow us to monitor properly. I would like to explore other options.

Ms. Ludlow responded that we have had a staff team working on trying to evaluate security for the facility. Some of the reasons to do that is to prevent young people from doing inappropriate activities in rooms accessible to them. When first discussing ways to do that, we considered the swipe card system and cameras. There is a problem with a camera system. Our cameras go to

Police Dispatch. They are not constantly monitored. They do have a videotape. When we looked at coming up with new space, we wanted to address several issues, including how to monitor the cameras. This bid is for tying the cameras together so they can be monitored on a computer screen. Reception staff or other City staff will be able to monitor the cameras. With the card reader system, if certain doors are opened that should not be opened, the camera swings to check. I can't speak to the cost, but the huge part is the smart card instead of the swipe card system. That system has opportunities for computer monitoring for which rooms are being accessed. You can do room scheduling with this. This allows a lot more control over the rooms. If we don't have this, we have a lot of hand-holding and taking people around.

In response to a comment from Councilmember Elrich, Ms. Ludlow noted that changes in the layout have been made. The original layout would have allowed lines of sight. We have had to go back and review the security. By having the floors divided into divisions, we can close off the third floor. The primary recreation activities are on this floor. We have the potential for inappropriate activity and for property damage on this floor.

Ms. Porter commented that putting the administrative offices upstairs enables us to lock the whole floor. We are dealing with security on one floor only rather than all the floors. My understanding was that we would have someone from the Recreation Department here.

Ms. Ludlow said the problem is that some areas can't be seen by staff. Without having the card access system, we can't control access.

Ms. Porter noted that this will come back to Council for additional discussion.

Ms. Matthews then briefed the Council on the PCOs with the current construction, and on the financial status of the project. (Report attached.)

Council questioned staff about the work done as noted in the PCOs and on the revenues and expenditures for the project.

Staff agreed to provide additional information on the backfill for the garage wall, on how the cost for the air handler replacement should be accounted for, and further information on the barrel vault cost.

Ms. Matthews noted that Council had also discussed including a brick walkway, an elevator, a skylight, and a sidewalk through the parking lot. She requested that Council note other items they believe should be completed or added to the project.

Mr. Seamens asked about grading work on Grant Avenue and work on Philadelphia and Maple Avenue. He also mentioned the parking garage, parking spaces, and the parking lot. Mr. Williams noted the drainage problems in the dirt area to the left of the pedestrian bridge.

Ms. Ludlow noted that if a gym is to be built, there would need to be work done on the Park and

Planning property so we can get a building permit. This work was to wait until we had firm plans for the gym. There has been discussion that something would be done with the cul de sac at the end of Grant Avenue whether or not there is a gym built.

Ms. George noted that SHA is currently doing some work now at Maple and Philadelphia. Staff is trying to communicate with SHA staff.

Mr. Seamens said he would like a briefing on this.

Ms. Austin-Lane noted the berm on Grant Avenue and more green features that we were going to get bid alternates on, including solar heating. She also noted the parking deficit and the Library facade.

Mr. Williams noted the need for resolution of the purpose of the holes in the flood wall, and suggestions for different sidewalk to access the Library from Philadelphia Avenue.

Ms. Matthews said that staff has discussed looking a traffic patterns for entry to the Library, and requesting that the bus stop be moved toward the sidewalk in the parking lot.

Mr. Barry commented that we can only build the center that we can afford. Despite heroic efforts, we may fall short of our goal. One solution is to delay, and the second is to redesign with the existing money that we have. We have to face that possibility.

Ms. Matthews noted that the resolution of the PCO's will have an affect on our options. It will probably not be until the first meeting in July when we have the information we need.

14. Discussion/Decision on City Logo

Ms. Matthews described the process to date. The logo was discussed briefly during the FY05 budget process. A number of logos have been in play over the years. The City retained a consultant to tweak the existing logo. This was not intended to be a full blown process.

Ms. Daines described the two versions before the Council. Council had expressed a preference for colors and design at an earlier meeting. Council directed staff to move forward with the design which includes a yellow sky, orange sun rays, and a green foreground.

ADJOURNMENT

The Council adjourned for the evening at 11:14 p.m.